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CHERNOFF, VILHAUER, MCCLUNG & STENZEL, LLP 1600 ODS TOWER 601 SW SECOND AVENUE PORTLAND, OR 97204			SHANG, ANNAN Q	
			ART UNIT	PAPER NUMBER
			2617	

DATE MAILED: 11/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/580,808	SEZAN ET AL.
	Examiner	Art Unit
	Annan Q. Shang	2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 15 September 2005.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 2,3,5-10,12-104 and 108-118 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 2,3,5-10,12-104 and 108-118 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 9/15/05.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: ____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/18/05 and 08/11/05 has been entered.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 2, 3, 5-10, 12-26, 27-57 and 94-107, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sahai et al (6,594,699)** in view of **Rangan et al (6,006,265)**

As to claims 2 and 3, note the **Sahai et al** reference figures 1-3, disclose system for capability based multimedia streaming over a network and further disclose method of using a system with at least one of an audio, an image, and a video comprising a plurality of frames comprising the following:

the claimed "providing a preferences description, describing preferences of a user with respect to the use of said at least one of audio, image..." is met by Client 12 (fig. 1, col. 2, lines 44-64), note that when a user wants to playback any video/multimedia asset, the request is shipped across to Server 10 via a communication Network 14, where the shipping of the requested media data, includes Client 12 capabilities (includes hardware type, example TV Set Top, PC, Lap Top, etc.,) and preferences (C/P) with respect to the audio, image and video, which are stored in Server 10 for a particular session or for predetermined time period in a static configuration approach (col. 3, lines 5-25 and col. 4, lines 9-14), note further that the preference description includes multiple attributes, such as, playback frame rate, bit rate of the audio and video data to use, the size of the displayed frame, media formats, such as MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., (col. 3, lines 23-60 and col. 4, lines 9-31);

Server 10, stores each Client 12 capabilities and preferences and provides the media attribute of the preferences description describing the quality of encoding, such as MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., of the audio, image and video before delivering the requested media data (col. 3, lines 23-60 and col. 4, lines 9-31), note that the user can request for audio, video, image, multimedia or media "audio and video" and the client capabilities, media delivery properties or preferences/specifications as chosen by the user are also shipped across the server, processes and delivered accordingly based on the selected preferences/specifications.

Sahai fails to explicitly teach where the selected qualities are based on semantic content of at least one of audio and video.

However, note the **Rangan** reference figures 1-5, discloses hyperlinks resolution at and by a special network server in order to enable diverse sophisticated hyperlinking upon a digital network (col.24, lines 32-60), where a Service Provider indexes video based on scene changes or semantic (col.26, line 65-col.27, line 20), monitors clients interaction to the streaming video including scene changes in the video to customizes video and audio to clients based on preference or history (col.14, lines 16-58, col.17, lines 43-63, col.23, lines 16-20 and col.30, line 49-col.31, line 1+); and further disclose where the clients VOW VCR provides the client with VCR-like function to control the video as desired (col.26, line 27-43)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of **Rangan** into the system of **Sahai** to provide techniques for semantic or scene changes compression of video data at dynamically changing rates, for accessibility to wide variety of client devices or platforms and connections, including where the client's capacities are limited and also provide VCR-like function to enable the client to control the streaming video as desired.

As to claims 5-6, **Sahai** further teaches a first quality and second quality of encoding where the first is less than the second (col. 3, lines 50-60 and col. 4, lines 17-31), note that Server 10 can encode in MPEG1, MPEG2, MJPEG, etc., depending on Client 12 C/P, where one encoding scheme is less than the other and further where the storage results in at least storing less bytes of the first quality encoding of the audio

video than the second quality of encoding using digital compression technique (col. 6, lines 12-49).

As to claims 7 and 8, Sahai further discloses selecting the quality of encoding base upon the storage for at least the audio and video and automatically performed by the Server 10 (col. 3, lines 23-31, lines 50-60 and col. 4, lines 17-40).

As to claim 9, Sahai further discloses where the selecting is prompted to the user of the system for selection (col. 5, lines 17-31).

Claim 10 is met as previously discussed with respect to claim 2.

As to claims 12-13, Sahai further discloses selecting either the first quality and the second quality based upon the type of content to the at least the audio and the video (col. 5, lines 35-46 and col. 6, lines 12-49), note further that real time sports programming and nature programming area automatically encoded by MPEG1 or MPEG2 formats depending on the Clients C/P information.

As to claims 14-19, Sahai further discloses a method where the system automatically selects first and second quality based upon attributes of preferences description, system description, a program preferences description, predefined relationships between a plurality of attributes of the preference descriptions, a program preference descriptions, system preference descriptions (col. 3, lines 23-60, col. 4, lines 9-40), note that Server 10 upon receiving the various play request and Client C/P automatically, makes flexible and accurate decisions about the Client concerning resource allocation for streaming of data and the use of appropriate format type (MPEG1, MPEG2, etc.,) and network traffic to stream media data according to C/P

(col. 6, lines 12-52).

As to claim 20, Sahai further discloses a method where Server 10, which inherent includes an agent that selects the first quality and second quality, based upon prior selections of the first quality (col. 4, lines 9-40 and col. 5, lines 1-21).

As to claim 21, note the **Sahai et al** reference figures 1-3, disclose system for capability based multimedia streaming over a network and further disclose a system for use with at least one of broadcast of audio and video comprising a plurality of frames comprising:

the claimed "system for receiving said broadcast of at least one of audio and video..." is met by Server 10 (fig. 1, col. 2, lines 44-64), note that Server 10 receives broadcast of audio and video from various servers on the network 14 and stores the received audio and video data, in a storage media, such as a disk (col. 6, lines 50-52); and further receives and stores each Client 12 capabilities and preferences (C/P) (col. 3, lines 5-25 and col. 4, lines 9-14); and selectively encodes at least one of different qualities, MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., (col. 3, lines 23-60 and col. 4, lines 9-31) of the received broadcast of at least the audio and video for storage on Storage Media, such as a disk to enable a Client to access and retrieve the media data based on the Client C/P (col. 6, lines 12-49), note that the user can request for audio, video, image, multimedia or media "audio and video" and the client capabilities, media delivery properties or preferences/specifications as chosen by the user are also shipped across the server, processes and delivered accordingly based on the selected preferences/specifications.

Sahai fails to explicitly teach where the selected qualities are based on semantic content of at least one of audio and video.

However, note the **Rangan** reference figures 1-5, discloses hyperlinks resolution at and by a special network server in order to enable diverse sophisticated hyperlinking upon a digital network (col.24, lines 32-60), where a Service Provider indexes video based on scene changes or semantic (col.26, line 65-col.27, line 20), monitors clients interaction to the streaming video including scene changes in the video to customizes video and audio to clients based on preference or history (col.14, lines 16-58, col.17, lines 43-63, col.23, lines 16-20 and col.30, line 49-col.31, line 1+).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Rangan into the system of Sahai to provide techniques for semantic or scene changes compression of video data at dynamically changing rates, for accessibility to wide variety of client devices or platforms and connections, including where the client's capacities are limited

Claim 22 is met as previously discussed with respect to claim 4.

Claim 23 is met as previously discussed with respect to claim 7.

Claim 24 is met as previously discussed with respect to claim 8.

Claim 25 is met as previously discussed with respect to claim 9.

Claim 26 is met as previously discussed with respect to claim 2.

Claim 27 is met as previously discussed with respect to claim 11.

Claim 28 is met as previously discussed with respect to claim 14.

Claim 29 is met as previously discussed with respect to claim 5.

Claim 30 is met as previously discussed with respect to claim 20.

As to claims 31-35, the claimed "method of using a system with at least one of an audio and video..." is composed of the same structural elements that were discussed with respect to the rejection of claim 2.

Claim 36 is met as previously discussed with respect to claim 8.

Claim 37 is met as previously discussed with respect to claim 7.

As to claim 38, the claimed method is composed of the same structural elements that were discussed in the rejection of claim 2; the claimed "providing a storage attribute of the preferences description..." is met by Storage Media or Disk of Server 10 (col. 6, lines 50-52) which stores Client C/P, and where Server 10 encodes the audio and video based upon the content of at least one of audio and video.

Claim 39 is met as previously discussed with respect to claim 11.

Claims 40-42, are met as previously discussed with respect to claim 11-13.

Claim 43 is met as previously discussed with respect to claim 11.

Claim 44 is met as previously discussed with respect to claim 14.

Claim 45 is met as previously discussed with respect to claim 16.

Claim 46 is met as previously discussed with respect to claim 15.

Claim 47 is met as previously discussed with respect to claim 11.

Claim 48 is met as previously discussed with respect to claim 8.

As to claim 49, the claimed method is composed of the same structural elements that were discussed in the rejection of claim 2; the claimed "providing a storage attribute of the preferences description..." is met by Storage Media or Disk of Server 10 (col. 6,

lines 50-52) which stores Client C/P, and where Server 10 encodes the audio and video based upon the combination of at least capabilities and the preferences description (col. 6, lines 12-49).

Claim 50 is met as previously discussed with respect to claim 11.

Claim 51 is met as previously discussed with respect to claim 7.

Claim 52 is met as previously discussed with respect to claim 11.

Claim 53 is met as previously discussed with respect to claim 14.

Claim 54 is met as previously discussed with respect to claim 15.

Claim 55 is met as previously discussed with respect to claim 20.

Claim 56 is met as previously discussed with respect to claim 8.

Claim 57, the claimed method is composed of the same structural elements that were discussed in the rejection of claim 2; the claimed "providing a storage attribute of the preferences description..." is met by Storage Media or Disk of Server 10 (col. 6, lines 50-52) which stores Client C/P, and where Server 10 encodes the audio and video based application program "an agent of the system" that selects the first quality and second quality based upon prior selections of either the first quality or second quality, MPEG1, MPEG2, MJPEG, etc., (fig. 3, col. 5, lines 1-26 and col. 6, lines 12-49).

As to claim 94, the claimed method is composed of the same structural elements that were discussed in the rejection of claim 31.

Claims 95-97, are met as previously discussed with respect to claim 31.

As to claims 98-100, Sahai further discloses selecting based upon other attributes of preferences descriptions, which has been discussed with respect to claims

14-16, but fails to explicitly teach selecting based upon, forward speed, reserve speed and time interval forward, however, the claimed limitation is met as previously discussed with respect to claim 31.

As to claim 101-103, Sahai further discloses automatically determined by the system for at least one audio and video based upon the system monitoring previous selections for other respective audio and video (col. 5, lines 1-26 and col. 6, lines 12-42 and lines 57-67), but fails to explicitly teach automatically determined based upon, forward speed, reserve speed and time interval forward, however, the claimed limitation is met as previously discussed with respect to claim 31.

Claims 104-107 are met as previously discussed with respect to claim 2.

4. Claims 61-72, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sahai et al (6,594,699)** in view of **Rangan et al (6,006,265)**, and further in view of **Fano (6,317,718)**.

As to claims 61-62, note the **Sahai et al** reference figures 1-3, disclose system for capability based multimedia streaming over a network and further disclose method of using a system with at least one of an audio, an image, and a video comprising a plurality of frames comprising the following:

the claimed "providing a preferences description, describing preferences of a user with respect to the use of said at least one of audio, image..." is met by Client 12 (fig. 1, col. 2, lines 44-64), note that when a user wants to playback any video/multimedia asset, the request is shipped across to Server 10 via a communication

Network 14, where the shipping of the requested media data, includes Client 12 capabilities (includes hardware type, example TV Set Top, PC, Lap Top, etc.,) and preferences (C/P) with respect to the audio, image and video, which are stored in Server 10 for a particular session or for predetermined time period in a static configuration approach (col. 3, lines 5-25 and col. 4, lines 9-14), note further that the preference description includes multiple attributes, such as, playback frame rate, bit rate of the audio and video data to use, the size of the displayed frame, media formats, such as MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., (col. 3, lines 23-60 and col. 4, lines 9-31) and further discloses where Server 10, stores each Client 12 C/P and provides the media attribute of the preferences description describing the quality of encoding, such as MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., of the audio, image and video before delivering the requested media data (col. 3, lines 23-60 and col. 4, lines 9-31).

Sahai fails to explicitly teach where the selected qualities are based on semantic content of at least one of audio and video.

However, note the **Rangan** reference figures 1-5, discloses hyperlinks resolution at and by a special network server in order to enable diverse sophisticated hyperlinking upon a digital network (col.24, lines 32-60), where a Service Provider indexes video based on scene changes or semantic (col.26, line 65-col.27, line 20), monitors clients interaction to the streaming video including scene changes in the video to customizes video and audio to clients based on preference or history (col.14, lines 16-58, col.17, lines 43-63, col.23, lines 16-20 and col.30, line 49-col.31, line 1+); and further disclose

where the clients VOW VCR provides the client with VCR-like function to control the video as desired (col.26, line 27-43)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Rangan into the system of Sahai to provide techniques for semantic or scene changes compression of video data at dynamically changing rates, for accessibility to wide variety of client devices or platforms and connections, including where the client's capacities are limited and also provide VCR-like function to enable the client to control the streaming video as desired

Sahai as modified by Rangan, fail to explicitly teach providing a time attribute of the preferences description describing at least one of: a first time to start obtaining the at least one of audio and video prior to the scheduled time of the at least one of audio and video and a second time to end obtaining the at least one of audio and video after the schedule time of the at least one of audio and video.

However, note **Fano** reference figure 17, discloses and information gathering agents that stores user specific information and preferences, including time delivery preferences where the schedule time is the time period for media data "audio program and a video program" (fig. 18, col. 33, line 64-col. 34, line 23 and col. 38, lines 39-56).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Fano into the system of Sahai as modified by Rangan to include time delivery preferences to enable the user to schedule and receive the requested information at the appropriate time.

As to claims 63-64, Sahai further teaches streaming multimedia data, based upon the content and type of the audio program and video program (col. 6, lines 12-49), but fails to explicitly teach a first time and second time is selection based upon the content of the an audio program and a video program.

However, note **Fano** reference figure 17, discloses and information gathering agents that stores user specific information and preferences, including time delivery preferences where the schedule time is the time period for media data “audio program and a video program” (fig. 18, col. 33, line 64-col. 34, line 23 and col. 38, lines 39-56).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Fano into the system of Sahai as modified by Rangan to include a selecting times based on content to enable the service provider to monitor time with respect to content for appropriate delivery of specific contents for the requested user.

Claim 65 is met as previously discussed with respect to claim 11.

Claim 66 is met as previously discussed with respect to claim 11.

Claim 67 is met as previously discussed with respect to claim 63.

Claim 68 is met as previously discussed with respect to claim 63.

Claims 69-72 are met as previously discussed with respect to claims 12-13.

5. Claims 73-93, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sahai et al (6,594,699)** in view of **Rangan et al (6,006,265)**, and further in view of **Barrett et al (6,611,876)**.

As to claims 73 and 74, note the **Sahai et al** reference figures 1-3, disclose system for capability based multimedia streaming over a network and further disclose method of using a system with at least one of an audio, an image, and a video comprising a plurality of frames comprising the following:

the claimed "providing a preferences description, describing preferences of a user with respect to the use of said at least one of audio, image..." is met by Client 12 (fig. 1, col. 2, lines 44-64), note that when a user wants to playback any video/multimedia asset, the request is shipped across to Server 10 via a communication Network 14, where the shipping of the requested media data, includes Client 12 capabilities (includes hardware type, example TV Set Top, PC, Lap Top, etc.,) and preferences (C/P) with respect to the audio, image and video, which are stored in Server 10 for a particular session or for predetermined time period in a static configuration approach (col. 3, lines 5-25 and col. 4, lines 9-14), note further that the preference description includes multiple attributes, such as, playback frame rate, bit rate of the audio and video data to use, the size of the displayed frame, media formats, such as MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., (col. 3, lines 23-60 and col. 4, lines 9-31) and further discloses where Server 10, stores each Client 12 C/P and provides the media attribute of the preferences description describing the quality of encoding, such as MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., of the audio, image and video before delivering the requested media data (col. 3, lines 23-60 and col. 4, lines 9-31).

Sahai fails to explicitly teach where the selected qualities are based on semantic content of at least one of audio and video.

However, note the **Rangan** reference figures 1-5, discloses hyperlinks resolution at and by a special network server in order to enable diverse sophisticated hyperlinking upon a digital network (col.24, lines 32-60), where a Service Provider indexes video based on scene changes or semantic (col.26, line 65-col.27, line 20), monitors clients interaction to the streaming video including scene changes in the video to customizes video and audio to clients based on preference or history (col.14, lines 16-58, col.17, lines 43-63, col.23, lines 16-20 and col.30, line 49-col.31, line 1+); and further disclose where the clients VOW VCR provides the client with VCR-like function to control the video as desired (col.26, line 27-43)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Rangan into the system of Sahai to provide techniques for semantic or scene changes compression of video data at dynamically changing rates, for accessibility to wide variety of client devices or platforms and connections, including where the client's capacities are limited and also provide VCR-like function to enable the client to control the streaming video as desired

Sahai as modified by Rangan, fail to explicitly teach providing a time attribute of the preferences indicating the number of layers of supplemental data auxiliary to the least one of audio and video.

However, note **Barrett et al** reference figure 4, disclose encoding of intermediate content "Web Intermediaries" (WBI or webby) with respect to user preference including

text, image, type of desired source of compression, how images are disposed, preferred image scaling, etc., (col. 3, lines 57-65 and col. 4, lines 35-49), where various transcoders dynamically scales layers of HTML, XML, etc., to meet a Client's preferences or device capabilities, including available storage (figs. 4a, 4b, col. 6, lines 1-27 and lines 43-58).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Barrett into the system of Sahai as modified by Rangan to encoded appropriate number if layers of supplemental data for the media data or audio and video to transmits to the Client based on the Client preferences and capabilities, to enable the Client to retrieve the requested information accordingly.

Sahai as modified by Rangan further disclose a method comprising retrieving multimedia data prior to viewing the multimedia data, but fails to teach supplemental data, which has been discussed with respect to claim 73.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Barrett into the system of Sahai as modified by Rangan to enable the user to interact with the supplement data to enable the server to retrieve Client capabilities and preferences information relating to the supplemental data to aid in streaming the appropriate supplemental data to the client based on the Client's preferences and device capabilities.

As to claim 75, Sahai as modified by Rangan further discloses retrieving the audio and video data prior to viewing and listening of the video and audio data, but fail to explicitly teach supplemental data.

However **Barrett** discloses retrieving supplemental data, as previously discussed with respect to claim 73.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Barrett into the system of Sahai as modified by Rangan to provide supplemental data, as additional information relating to the audio and video data, to enable the Client to listen and view and retrieve the audio and video data as desired.

Claim 76, is met as previously discussed with respect to claim 73.

As to claim 77, Sahai as modified by Rangan teach where the Server 10, includes a disk storage media which ceases to retrieve any data from Clients (col. 6, lines 50-52), but fails to explicitly teach supplemental data.

However **Barrett** discloses retrieving supplemental data, as previously discussed with respect to claim 73.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Barrett into the system of Sahai as modified by Rangan to provide supplemental data as additional information to the audio and video data.

As to claims 78-79, Sahai as modified by Rangan further disclose determined the number of layers of multimedia data or video and audio to encode and transmit to Client

based on Client C/P, including storage, but fails to explicitly teach supplemental data, which has been discussed with respect to claim 73.

As to claim 80-81, the claimed system is composed of the same structural elements that were discussed in the rejection of claim 73-74;

Claim 82, is met as previously discussed with respect to claim 75.

Claim 83, is met as previously discussed with respect to claim 73.

Claim 84, is met as previously discussed with respect to claim 77.

Claim 85 and 86, is met as previously discussed with respect to claim 78 and 79.

As to claims 87 and 88, Sahai as modified by Rangan further disclose selecting multimedia or media data, based on the content and the type of media, as previously discussed with respect to claim 11, but fails to explicitly teach selecting number of layers of supplemental data.

However, Barrett teaches selecting and encoding layers of HTML and XML data based on user preference or device, as previously discussed with respect to claim 73.

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Barrett into the system of Sahai as modified by Rangan to select supplemental data based on content and type, to enable the encoding and scaling appropriate content and type of data to Clients based on C/P.

As to claim 89 and 90, the claimed system is composed of the same structural elements that were discussed in the rejection of claim 73-74.

Claim 91, is met as previously discussed with respect to claim 75.

Claim 92, is met as previously discussed with respect to claim 73.

Claim 93, is met as previously discussed with respect to claim 77.

6. Claims 108-118, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sahai et al (6,594,699)** in view of **Rangan et al (6,006,265)**, and further in view of **Kanevsky et al (6,426,761)**.

As to claims 108-111 and 118, note the **Sahai et al** reference figures 1-3, disclose system for capability based multimedia streaming over a network and further disclose method of using a system with at least one of an audio, an image, and a video comprising a plurality of frames comprising the following:

the claimed "providing a preferences description, describing preferences of a user with respect to the use of said at least one of audio, image..." is met by Client 12 (fig. 1, col. 2, lines 44-64), note that when a user wants to playback any video/multimedia asset, the request is shipped across to Server 10 via a communication Network 14, where the shipping of the requested media data, includes Client 12 capabilities (includes hardware type, example TV Set Top, PC, Lap Top, etc.,) and preferences (C/P) with respect to the audio, image and video, which are stored in Server 10 for a particular session or for predetermined time period in a static configuration approach (col. 3, lines 5-25 and col. 4, lines 9-14), note further that the preference description includes multiple attributes, such as, playback frame rate, bit rate of the audio and video data to use, the size of the displayed frame, media formats, such as MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., (col. 3, lines 23-60 and col. 4, lines 9-31) and further discloses where Server 10, stores each Client 12 C/P and

provides the media attribute of the preferences description describing the quality of encoding, such as MPEG1, MPEG2, MJPEG, G723 audio, GSM audio, etc., of the audio, image and video before delivering the requested media data (col. 3, lines 23-60 and col. 4, lines 9-31).

Sahai fails to explicitly teach where the selected qualities are based on semantic content of at least one of audio and video.

However, note the **Rangan** reference figures 1-5, discloses hyperlinks resolution at and by a special network server in order to enable diverse sophisticated hyperlinking upon a digital network (col.24, lines 32-60), where a Service Provider indexes video based on scene changes or semantic (col.26, line 65-col.27, line 20), monitors clients interaction to the streaming video including scene changes in the video to customizes video and audio to clients based on preference or history (col.14, lines 16-58, col.17, lines 43-63, col.23, lines 16-20 and col.30, line 49-col.31, line 1+); and further disclose where the clients VOW VCR provides the client with VCR-like function to control the video as desired (col.26, line 27-43)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Rangan into the system of Sahai to provide techniques for semantic or scene changes compression of video data at dynamically changing rates, for accessibility to wide variety of client devices or platforms and connections, including where the client's capacities are limited and also provide VCR-like function to enable the client to control the streaming video as desired

Sahai as modified by Rangan fails to explicitly teach providing a creation attribute of the preference description describing the creation date of at least one of audio and video.

However, note **Kanevsky** reference figures 1 and 5, disclose an information presentation system for a graphical user interface (GUI) that generates a cluster of items for display and includes creation attributes, including creation date of the information being presented (col. 6, line 52-col. 7, line 14, col. 11, lines 34-65 and col. 12, lines 36-53), and further teaches where video, audio, multimedia, etc., are also implemented (col. 3, lines 43-48 and col. 13, lines 12-36).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Kanevsky into the system of Sahai as modified by Rangan to provide creation attributes of preferences describing creation date of audio and video to indicate to the server update or changes with respect to the Client's preferences and capabilities, thereby enabling the server to select and streaming appropriate video and audio to the Client.

As to claim 112, Sahai further discloses storing selected programs on Storage Media (col. 6, lines 50-52).

7. Claims 113-117, are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sahai et al (6,594,699)** in view of **Rangan et al (6,006,265)**, and further in view of **Kanevsky et al (6,426,761)** as applied to claims 112 above, and further in view of **Gabbe et al (5,550,965)**.

As to claims 113-117, Sahai as modified by Rangan and Kanevsky, fail to explicitly teach selecting among a plurality of stored episodes of the program and limited to a desired number of episodes.

However, note the **Gabbe et al** reference discloses method and system for operating a data processor to index primary data for one or more users in real time with iconic table of contents where a plurality of video data, audio data, event data or meta data are indexed from an episode data to enable the user to interact to retrieve episodes as desired (col. 2, line 65-col. 3, line 3 and line 25-45).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Gabbe into the system of Sahai as modified by Rangan and Kanevsky to provide various episode of audio and video of the same program to enable the user to access parts or segments of the program as desired.

Response to Arguments

8. Applicant's arguments with respect to claims 2, 3, 5-10, 12-104 and 108-118 have been considered but are moot in view of the new ground(s) of rejection. The amendment to all the independent claims necessitated the new ground(s) of rejection discussed above. This office action is a non-final.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Van Kommer (6,678,659) disclose system and method of voice information dissemination over a network using semantic representation.

Hjelsvold et al (6,546,555) disclose system for hypervideo filtering based on end-user payment interest and capability.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q. Shang** whose telephone number is **571-272-7355**. The examiner can normally be reached on **700am-400pm**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Christopher S. Kelley** can be reached on **571-272-7331**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

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